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STATE OF ALABAMA

242-7300

SEP 28 1989

Honorable W. F. "Noopie" Cosby, Jr.
Member, House of Representatives
District No. 70
P.O. Box 683
Selma, Alabama 36702

Municipalities - Industrial
Development Authority -
Counties - Gifts - Funds

Selma City Council and Dallas
County Commission are
authorized to set aside,
appropriate and use funds for
industrial development
purposes, through Selma and
Dallas County Economic
Development Authority.

Dear Representative Cosby:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTIONS

1. Does the Selma City Council and/or the
Dallas County Commission have the
authority to make contributions for
industrial development purposes to the
Selma and Dallas County Economic
Development Authority as created by Act
85-443, H. 720, of the 1985 Regular
Session of the Legislature?

2. Under the provisions of Act 85-443, H. 720, of the 1985 Regular Session, does the Selma and Dallas County Economic Development Authority have the authority to solicit and receive contributions for industrial development purposes from the Selma City Council and/or the Dallas County Commission?

FACTS AND ANALYSIS

Your second question is affirmatively answered by the second paragraph of Section 3 of Act 85-443, which provides:

"The authority shall have the power to solicit and receive contributions from other government entities, corporations, partnerships, or individuals. For this purpose, the authority shall also be known as the Alabama Development Authority. The authority shall submit to audits by the Examiners of Public Accounts."

Sections 11-47-11 and 11-3-11(19), Code of Alabama 1975, provide, respectively as follows:

"Section 11-47-11:

"In addition to all other powers which may be conferred on it by law, every incorporated city or town shall have the power to set aside, appropriate and use municipal funds or revenues for the purpose of developing, advertising and promoting the agricultural, mineral, timber, water, labor and all other resources of every kind within its police jurisdiction, and for the purpose of locating and promoting agricultural, industrial and manufacturing plants, factories and other industries within the municipality or elsewhere inside the county not more than 15 miles from the boundaries of the municipality.

"Section 11-3-11(19):

"The county commission shall have
authority: . . .

"To set aside, appropriate and use
county funds or revenues for the purpose of
developing, advertising and promoting the
agricultural, mineral, timber, water, labor
and all other resources of every kind of the
county and for the purpose of locating and
promoting agricultural, industrial and
manufacturing plants, factories and other
industries in the county. The county
commission is authorized to enter into
contracts with any person, firm, corporation
or association to carry out the purposes set
forth in this subdivision."

It is the opinion of this office that these statutes, read
in pari materia with Act 85-443, authorize the Selma City
Council and the Dallas County Commission to set aside,
appropriate and use for industrial development purposes such
funds to be expended through the Selma and Dallas Economic
Development Authority created by Act 85-443.

CONCLUSION

The Selma City Council and the Dallas County Commission
have authority to set aside, appropriate and use funds to be
expended through the Selma and Dallas County Economic
Development Authority, and said Authority may solicit and
receive such funds.

I hope this sufficiently answers your questions. If our
office can be of further assistance, please do not hesitate to
contact us.

Sincerely,

DON SIEGELMAN
Attorney General
By:


PHILIP C. DAVIS
Assistant Attorney General